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QUO VAT ESTELL

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

QUO VAT ESTELL,

Plaintiffs,

vs.

JOHN MCHUGH,

Defendant.

Case No.: 15-cv-04898-MEJ

**REVISED STIPULATION AND
~~PROPOSED~~ ORDER TO
CONTINUE DEADLINES FOR
RESPONSE AND REPLY BRIEFS
ON MOTION TO DISMISS**

Plaintiff Quo Vat Estell ("Plaintiff") and Defendant Eric K. Fanning, Secretary, United States Army ("Defendant"), by and through their respective counsel, make the following representations and stipulate and agree as follows:

1. Defendants' Motion to Dismiss is currently set for hearing on December 1, 2016, and the response and reply briefs were due October 4, 2016 and October 11, 2016, respectively.

2. Plaintiff's counsel was extremely busy with depositions and an upcoming trial, all of which was calendared prior to the motion to dismiss. Additionally, plaintiff's counsel was seeking documentation not then in her possession needed for the opposition to this motion.

1 3. The parties previously agreed to mutually extend the deadlines for the
2 parties to submit their respective response and reply briefs, although the Court did
3 not sign that stipulation.

4 4. On the previously scheduled extended due date for plaintiff's response
5 brief, plaintiff's counsel's toddler son suffered a significant injury which has
6 required Ms. McFadden to be absent from work for much of the past week.

7 5. The parties agree that plaintiff and defendant should have a further
8 extension to file her response brief, and defendant two additional weeks from the
9 date of plaintiff's response brief to file the reply brief.

10 6. The parties agree that plaintiff should have until October 17, 2016 to
11 file her response brief, and defendants until October 31 to file a reply brief. While
12 the hearing date for this motion is not until December 1, 2016, both parties agree to
13 a continuance of the motion hearing at the Court's convenience if necessary due to
14 the requested extensions of time for filing the response and reply briefs.

15
16 DATED: October 15, 2016 LAW OFFICES OF MAUREEN E. MCFADDEN

17
18 By: 
Maureen E. McFadden

19 Attorney for Plaintiff
20 QUO VAT ESTELL

21 DATED: October 15, 2016 ERIC K. FANNING

22 By: 
23 Julie Davis

24 Assistant United States Attorney
25 Attorney for Defendants
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~~**[PROPOSED]**~~ **ORDER**

Plaintiff and Defendant's Stipulation and Proposed Order To Continue Deadlines on Motion to Dismiss is hereby **GRANTED**. The Motion to Dismiss set for December 1, 2016 will remain on calendar as previously scheduled. The deadlines for the response and reply briefs are also each extended from their original deadlines, such that plaintiff's response is now due October 17, 2016, and defendant's reply is now due October 31, 2016.

Date: October 18, 2016



HON. MARIA-ELENA JAMES
United States Magistrate Judge